



QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 35, n°3
8 octobre 2013 | October 8th 2013

QUID NOVI

QUID NOVI

3661 Peel Street
Montréal, Québec H2A 1X1

<http://quidnovi.ca/>
<http://quid.mcgill.ca/>
quid.law@mcgill.ca

EDITORS IN CHIEF
Jérémy Boulanger-Bonnely
Pietro Mastromatteo
Fortunat Nadima

LAYOUT EDITORS
David McLeod
Kirsten Morry
Nadir Pracha
Thomas McMullan

ASSOCIATE REVIEWERS
Pouney Davar-Ardakani
Kai Shan He
Claire Kane Boychuk
David McLeod
Elspeth McMurray
Kirsten Morry
Andrew Stuart
Anne-Sophie Villeneuve
Ben Wood

STAFF WRITERS
Elliot Aglioni
Ying Cheng
Stéphanie Déborah Jules
Aaron Fergie
Emma Loignon-Giroux
Andrew Stuart
Derek Zeisman

*Journal des étudiant-e-s
en droit de l'université McGill*
McGill Law's Weekly Student Newspaper

Volume 35, n°3
8 octobre 2013 | October 8th 2013

WHAT'S INSIDE? QUEL EST LE CONTENU?

ÉDITO	3
SPECIAL: DAILY PLANNING GUIDE	4
THE MILTON GATE BARRIERS	7
MESSAGE FROM THE DEAN TO GRADUATING STUDENTS	9
THE AML WORKSHOP SERIES HOSTS DR. DOLORES CHEW	9
LAW LIBRARY NEWS	10
JUSTICE AND DISTRIBUTION OF EQUAL OPPORTUNITY	11
ASK A JUDGEMENTAL STRANGER	11
JUDGES AS POETS	12
INNOCENCE MCGILL CALL FOR APPLICATIONS	13
OVERHEARD AT THE FAC	15

WANT TO TALK? TU VEUX T'EXPRIMER?

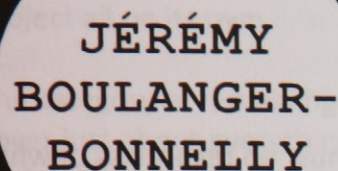
Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publié qu'à la
discrétion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").

Co-Editor in Chief



JÉRÉMY
BOULANGER-
BONNELLY

VEGGIE-GATE

L'article du professeur Smith, paru la semaine dernière dans le *Quid Novi*, s'inscrivait dans le débat qui a entouré l'ingestion d'ananas - croquants ou non - et d'autres fruits et légumes dans les salles de classe d'Osgoode Hall. Bien que le problème ne semble pas aussi criant dans notre faculté, à en juger par le silence radio sur ce sujet, les veggie-gate ne cessent d'émerger par les temps qui courent.

L'autre "veggie-gate" auquel je fais référence, c'est celui qui a surgi ces derniers jours dans le cadre des élections municipales à Montréal. Deux anciens membres de Projet Montréal, l'un des partis en lice, ont sous-entendu que les élus du Plateau-Mont-Royal, membres de ce même parti, auraient détourné des fonds afin de financer leurs "amis".

La presse québécoise s'est empressée de saisir la balle au bond, titrant notamment : *"Des élus de Projet Montréal dans la mire de la police"* (La Presse) ou encore *"Détournement : Bergeron et Ferrandez dans la mire de la police"* (98,5 FM). Les élus en question étaient déjà condamnés et placés sur un bûcher avant même d'avoir eu l'occasion de s'exprimer.

Fortunately, a few hours only after this story went public, these candidates had a chance to tell their side of the story, explaining that the funds went to a non-profit organization providing cheaper fruits and vegetables to the residents of their borough. While it's hard to tell if this grant was illegal or not, the harm is done and in the mind of many citizens, these politicians and their party are "as corrupt as any other one in Quebec..."

This episode of our current municipal life may seem trivial, but it tells a great deal about the political climate that prevails in our province. Add to that the vigorous - and probably baseless - accusations of Mr. Duchesneau, MNA for the Coalition Avenir Québec, against Mr. Boisclair, former leader of the Parti Québécois, and you realize that something is going terribly wrong in politics.

La Commission Charbonneau a de nombreux avantages et, à la lumière de ses révélations quotidiennes, bien fou serait celui qui affirmerait qu'elle n'est pas nécessaire. Une telle commission a permis, et permet encore, de dévoiler les pires systèmes de corruption et de collusion qui ont affligé notre milieu politique pendant de nombreuses années.

Le côté pervers d'un tel exercice, cependant, est de nous mettre dans un état de paranoïa collective qui envenime le climat politique et accentue le cynisme ambiant. De ces nombreuses révélations, la population - et les médias - passent rapidement à des généralisations boiteuses, puis à des accusations sans fondement qui finissent souvent par la suspension, la démission et l'opprobre public des personnes concernées.

The presumptions of innocence and good faith seem to be concepts that don't apply to our politicians, at least in the eyes of many citizens. It may be hard to try and make people believe in such concepts when our recent history seems to have proved them wrong. But still, without these fundamental tenets of our democracy, it's hard to see why honest people would want to get engaged in politics.

Imagine you're one of those politicians that go into politics to really try and change the society by debating about projects and ideas and adopting meaningful laws, without any greedy or opportunistic motivations. Then imagine that one of your greedy, opportunistic opponents alleges that you're at the center of a corruption scheme.

If the media believe him, so will the population, and before you have time to defend yourself, they will have doubts about you; doubts that will be almost impossible to overcome. Yes, the law may be there to protect you in the end, but by the time it resolves the dispute, you will fall into disrepute. And your greedy, opportunistic opponent will likely win.

In this era of (mis- and dis-) information, it seems the media govern more on these matters than the law, even if the latter ultimately prevails. Maybe it's our responsibility to explain to our friends and family that if we let this happen, all that will be left in our political horizon is the plethora of opportunistic, greedy politicians that we're precisely trying to avoid.

Better politics need faith in people and a lot of hope that things can really change. But taking down so quickly many of our best assets isn't a wise strategy for sure. Et en même temps, difficile de savoir qui croire. Les doutes s'insinuent, et la roue continue de tourner.



SPECIAL: DAILY PLANNING GUIDE

INTRODUCTION

In law school maxing out your effort won't cut it anymore, because everyone works hard. To excel you need efficiency. Time management is a crucial skill in making the most of your time, yet without a guide it can be difficult, so here you are!

I will build on what I write here in future editions of the Quid Novi, so please feel free to keep this guide for future reference.

Time Required:

Approx. 5 mins. with practice.

May take longer the first time if you need to consider your priorities.

Tools Required:

You will need either Word, Pages, or a pencil and paper. I find the process works better electronically because it is easier to keep clean, sort, and save.

STEP 1: DETERMINE TOTAL TIME AVAILABLE

Purpose:

Determine the means available to complete tasks.

Method:

(a) Determine and absolute cut-off time

This will be the time when your activities cease for the day. For instance, your anticipated bed preparation time or sleep time.

(b) Determine and present time

For the present time, round up to the nearest quarter-hour (or whatever your minimum working unit of time is), then subtract the present time from the absolute cut-off time.

(c) Calculate total available time

Calculate the total available time you have using the following formula:

Total available time = absolute cut-off time – present time

STEP 2: ENUMERATE TASKS

Purpose:

Determine the results you would like to achieve.

Method:

Write down in list form all the tasks you need to get done throughout the day, as well as anything you would like to work on if there's time. Use the explanation below as a guide.

Explanation:

Necessary daily tasks

Necessary daily tasks are tasks that must be completed by the end of the day, regardless of whatever else you do. Necessary tasks divide into two categories: hygiene tasks and must-do tasks.

Hygiene tasks

Hygiene tasks are tasks that a person must do regardless of what their specific goals are. Hygiene tasks are special because they enhance your productivity in performing other tasks. Accordingly, cutting out time on hygiene tasks tends to result in overall time losses rather than gains.

These include things like:

- Time to plan;
- Food preparation time;
- Eating time;
- Time spent with loved ones;
- Exercise time;
- Sleeping time;
- Bathing/washing time;
- Cleaning time;
- Time for quiet reflection;
- E-mail time; and
- Playtime

Must-do tasks

Tasks that must be completed by the end of the day (apart from Hygiene Tasks). Whereas daily hygiene tasks will not change substantially from day-to-day (or person to person), must-do tasks may change very much depending on your goals and commitments.

- Class time
- Study time
- Work time
- Regular extra-curricular activities (e.g., if you have an Arabic course at a fixed time)
- Fixed meetings/events
- Anything that must be prepared for the next day, including assignments
- Anything that must be prepared prior to a deadline, for which no other time is available (e.g., a project due on Thursday must be completed by Monday, where Wednesday and Tuesday are booked full)

Remaining tasks

This includes all tasks that either must be completed over a longer time frame, or that you would simply like to do. May include things like:

- Preparing for course aux stages;
- Working on a term paper;
- Fixing that broken picture;
- Reading Moby Dick.

Comments

Hygiene tasks should never be underestimated. One story for the origin of Shaolin Monks is that they lacked the physical stamina to endure the long hours of meditation, and so a visiting Abbott implemented a rigorous physical training program so that the

monks could sustain their more transcendent practices.

Enumerating tasks requires some knowledge of your broader goals, esp. for the semester, your career, and how you want to live your life in general. Figuring out these goals is an important project all on its own.

The category of remaining tasks is used rather loosely here to cover just about everything that doesn't fit the other two categories. In fact, you might want to keep a separate, prioritized list of "remaining tasks" to refer to whenever you plan your day.

Tasks may be recorded at different levels of generality. For the purposes of planning your day, it is better to stay at a higher level of generality at first, and only once your schedule is fixed, break down tasks into smaller, concrete, manageable pieces.

Reflecting upon what needs to be done and making a list is a great way to manage to stress, because you take what often remains as a vague worry and make it concrete and manageable. It helps to put things into perspective.

STEP 3: LIBERALLY ESTIMATE TIME REQUIRED FOR NECESSARY TASKS

Purpose:

Estimate time required for necessary tasks to ensure that your day is manageable.

Method:

Mark down how much time you think it will take to complete each task beside that task on your list.

Explanation

How much to overestimate

The amount of overestimation depends on the frequency of the task and the control you have over it. The control you have over a task is typically influenced by external factors and your level of mastery over the task.

For tasks that are infrequent, or that I am unsure or stressed about, I assume they will take triple the time anticipated. For tasks that I am somewhat comfortable with, but don't do regularly, I count double time. For tasks that are very familiar and that I have more control over (e.g., things at home that I can do alone), I give a tight margin of error, usually less than 10%.

Purpose of overestimating

Most people tend to underestimate the time required for tasks, so always try to overshoot the mark if you have this tendency.

There are two reasons for this: (1) overestimating ensures that you will have enough time to accomplish your tasks, acting as a prophylactic for the unforeseen; (2) if you finish in advance of your deadline, even by a little bit, you will feel encouraged rather than stressed, and this can enhance your productivity.

Comments

Estimating remaining tasks is dealt with later.

Conceptually, the degree of overestimation correlates indirectly with the degree of internalization. Greater frequency leads to

greater knowledge and mastery of the task (greater internalization), hence less overestimation. The less a task depends on external factors (greater internalization), the less we overestimate.

STEP 4: DETERMINE REMAINING TIME

Purposes:

(1) To check that you actually have enough time to get necessary tasks done;

(2) To figure out how much time you have to allocate to remaining tasks.

Method:

Using a calculator if need be:

(a) Sum the time required for necessary tasks

Time required for necessary tasks = Estimated time for necessary task 1 + Estimated time for necessary task 2 + ... + Estimated time for necessary task n.

(b) Calculate remaining time

Remaining time = total available time – time required for necessary tasks

Comment

Limited Means and Limited Results

Assuming you are working at your maximum effort, if the amount of time required exceeds the amount of time available (a negative value), you have either taken on too many commitments, or else you need to lower your expectations about the quality of the work you will be able to do, and adjust your time estimates accordingly.

STEP 5: CHOOSE REMAINING TASKS

Purpose:

Allocate time for remaining tasks.

Method:

Write down whatever remaining tasks you would like to get done in the remaining time.

Comments

This step works best if you already have a prioritized list of longer term tasks set aside. Longer term planning is a technique to itself.

Remaining tasks can often be done for as long as you can afford, so estimating the time it takes is not as important as choosing which tasks are more worth doing (see prioritizing below).

It's often a good idea to leave some time unplanned as a margin of error. Booking to the brim is doable if you know yourself well: what you are capable of and what your needs are.

STEP 6: PRIORITIZE TASKS

Purpose:

Determine the order to complete tasks.

Method:

If using a word processor, simply highlight and drag text, placing the tasks in order of completion from top (first) to bottom (last). If using pencil and paper, you can write numbers beside tasks to indicate their priority.

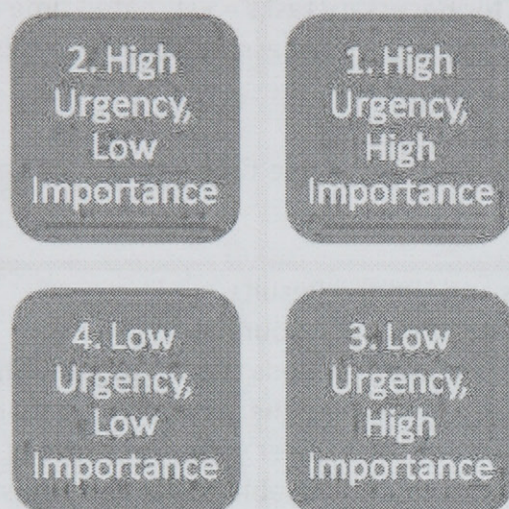
Explanation:

(a) Prioritizing necessary tasks

Prioritize necessary tasks first, in order of their urgency and importance. The most urgent tasks should be first. Then, within levels of urgency, they should be sorted by importance.

Completing a task sooner provides a wider margin of error: by completing tasks in order of urgency, you will always have the widest possible margin of error.

A simple heuristic can speed the thinking process:



(b) Prioritizing hygiene tasks

Place hygiene tasks according to where they have the maximum enhancing effect. For instance, sleeping during the most dark and quiet hours to get more restful sleep, or exercising earlier in the day to increase bloodflow and concentration for morning classes.

Comments

You can prioritize highly important tasks that are less urgent when you want to benefit from the wider margin of error. This may happen when the consequences of failing to complete the important task are worse than the consequences of failing to meet a deadline.

When prioritizing tasks, it can also help to eliminate stressful tasks earlier, reducing the psychological load and enhancing productivity. In my case, I have noticed that higher stress roughly corresponds with higher urgency/importance.

STEP 7: FOLLOWING THROUGH

Purpose:

To implement the plan without getting stressed about it.

Method:

- (1) As you begin each task, use each task as a heading and write down all the steps to take under the task.
- (2) Cross off tasks as you complete them.

Explanation:

A plan is supposed to be a helping tool, yet it can become a source of stress unto itself. Once everything is down on paper, it

can look like a lot to tackle; we might spend more time than anticipated on a task; unexpected things might throw off our timing. Here are some tools to deal with these kinds of situations and stay motivated:

Break it down

Breaking a big task down into smaller, concrete tasks turns a daunting project into a manageable one. If you find yourself hesitating to start a task, this might just be the dynamite you need to break your log jam.

Appreciate

Crossing off tasks gives you a moment to appreciate what you've done, which is crucial to staying motivated. We have a tendency to focus on what we didn't get done, or could have done better. But, just as having no remorse can make doing a bad thing worse, appreciating can make doing a good thing even better.

Focus on the vital point

If you frequently find yourself running out of time, you can try the following to increase your efficiency: Before starting, ask yourself, "If I could only do one thing (e.g., read one case out of the assigned readings; read or review notes but not both, etc.), what would that be?" Once you have that answer (it can be hard at first to let go, but it comes easier with practice), lock it in your mind. Next, put it in your plan, then forget the rest.

Dealing with unexpected costs

Things often take longer than planned, despite the best foresight. After 50 minutes of intense concentration we run out of steam; we have to make a quick stop to the bathroom along the route; we run into someone and that we needed to speak with. It's normal to spend less than the total time planned on a task: just as money needs to be spent to make money, we need to spend our energy in order to study and get things done. This sort of cost is just part of the time that we have to spend, and should be considered part of the activity itself.

Sticking to allotted times

By sticking to your allotted times you will (1) avoid compromising other activities, (2) be motivated to start again next time (since you'll be eager to finish what you started), (3) you'll have a place to start the next time you pick it up, and (4) you'll learn much quicker what your capabilities are and sooner get faster at planning.

Revision

If your plan gets completely thrown off, don't be shy to take a few minutes to modify it and keep going!

Breathing

If ever you start to feel overwhelmed, try the following: stop, breathe slowly and deeply (4 count in, 2 count hold, and 8 count out) for 4 minutes, then visualize something that relaxes you with all your senses.

This helps because often (esp. while studying) we don't breathe properly, which can itself result in a strain on the body, increasing stress. 4 minutes is the approximate time it takes to recycle the oxygen in your bloodstream.

COMMENTS

Good writers often stop writing just when they are inspired to keep going. Apparently Ernest Hemingway would always stop writing in mid-sentence to avoid writer's block the next time he

started. Likewise, when you are studying, it is often a good idea to stop before you hit a question you can't solve.

Learning how to recognize stress is an art in itself. It took me a long time to figure out that poor discipline (e.g., procrastination, difficulty concentrating and retaining information) and unhealthy habits (e.g., not sleeping, snacking), were not because I was

weak willed, but because I didn't have the tools to manage my time and my emotions. It takes practice and sustained effort to develop these habits, so don't lose heart!



Law 11

THE MILTON GATE BARRIERS

The Milton Gate Barriers: What Exactly do they Solve?

Cet été, de nouvelles barrières ont été construites ayant pour objectif officiel de mieux protéger les piétons sur le campus de McGill en forçant les cyclistes à démonter leurs vélos aux portes d'entrée. La sécurité des piétons et des cyclistes est évidemment très importante, mais est-ce que bloquer une entrée du campus et décourager les cyclistes de pédaler entre Milton et McTavish est la meilleure manière d'atteindre cet objectif?

Montreal has been ranked the most bike-friendly city in North America by numerous agencies, based on the safety its biking infrastructure accords cyclists, general social acceptance, gender split, and the city's bike share program. This is a ranking to be proud of, as biking helps reduce greenhouse gas emissions, promotes healthy lifestyles, and offers a low-cost means of transport. Biking is also unsurprisingly in line with McGill's renewed and official commitment to making our campus eco-friendly. The university's stance is formally outlined in the McGill 2020 report published by the McGill Office for Sustainability.

Yet over the past few years, the university has taken many steps to restrict biking on campus. There is no longer a Bixi station on McTavish street north of Sherbrooke. Security guards have been instructed to ask students to get off their bikes. This is problematic especially for law students living east of Milton, as riding through campus represents the most protected way of reaching the faculty. Arriving via Peel or Rue des Pins hardly provides students with a safe alternative.

Protecting Pedestrians and Promoting Pedaling

If McGill is truly committed to promoting a safe, accessible environment for pedestrians, installing metal barriers at Milton is counterintuitive. While bikers can easily pass through the gates, individuals with mobility challenges and parents with small children are experiencing greater difficulty. The Office for Students with Disabilities in particular has expressed concerns about how little they were consulted with prior to the construction of the barriers, and more importantly the burden that the barriers

place on individuals with mobility challenges. Sensitive to these concerns, the Students' Society of McGill University and faculty student associations such as the Arts Undergraduate Society have recently voted to express their disapproval of the metal barriers citing reasons of equity. A similar motion went before the Law Students' Association Council this past Monday.

Au lieu de restreindre l'utilisation du vélo, pourquoi est-ce que l'on ne fournit pas aux cyclistes les moyens de rouler en toute sécurité? Les barrières actuelles ne sont pas efficaces car elles sont facilement évitées. Des pistes cyclables qui sépareraient clairement l'espace réservé aux piétons de celui qui est destiné aux cyclistes seraient plus utiles des fonds et de l'espace de l'université.

In promoting safe bike use that is harmonious with other forms of transport, such as walking and driving, McGill should look to its home province, Québec, for inspiration. A recent report from Vélo Québec notes:

De 1987 à 2010, le nombre de vélos a plus que doublé au Québec. Quant au nombre de cyclistes réguliers, il a augmenté de 50%. Fait intéressant, on a constaté sur la même période une diminution de 58% du nombre de décès reliés aux accidents cyclistes. De plus, les blessures graves ont chuté de 72% et les blessures légères de 52%.

These statistics, which correspond to a dramatic increase in the number of designated bike lanes and concrete barriers, indicate that safety is more a question of adequate accommodation for bikers than the number of bikers or the use of bikes in itself.

By installing metal barriers at the Milton Gates, McGill is not addressing the problem of pedestrian safety, but rather creating obstacles to accessibility and sending the wrong message on bike use. Let's be a university that respects each other's safety and the environment. Let's remove the barriers, install designated bike routes, and show that McGill is committed to finding a more inclusive way of getting to class on time.

MCGILL LAW JOURNAL ANNUAL LECTURE

JUSTICE GOODWIN LIU

"JUSTICE AND DISTRIBUTION OF EQUAL OPPORTUNITY"



Mercredi, le 16 octobre
à 18h00

Salle 100, NCDH

3644 rue Peel


suivie d'une réception à l'Atrium

It is commonplace for politicians and policymakers to begin with the premise that there ought to be "equality of educational opportunity." What does this concept mean? What are its limitations? And does it provide meaningful guidance for public policy? This talk will specifically examine John Rawls's principle of fair equality of opportunity and the kinds of inequalities it does and does not address.

Justice Goodwin Liu is an Associate Justice of the California Supreme Court. Before joining the state's highest court, Justice Liu was Professor of Law at the UC Berkeley School of Law. In 2010, Justice Liu was nominated by President Obama for the United States Federal Court of Appeals.



McGill Law Journal
Revue de droit de McGill


**DANIEL
JUTRAS**

MESSAGE FROM THE DEAN TO GRADUATING STUDENTS: WHY IT'S IMPORTANT TO FILL OUT YOUR GRADUATION SURVEY

Chers finissants, chères finissantes,

Vous terminerez cette année votre parcours à la Faculté de droit de l'Université McGill, et j'aurai le grand honneur de vous remettre votre diplôme à la collation des grades. Vous avez reçu il y a quelques jours un message du secrétariat aux études (SAO) vous invitant à formaliser cette étape importante par le biais de votre inscription. Le message vous invitait par la même occasion à remplir le sondage destiné aux étudiants et aux étudiantes terminant leurs études à la Faculté, disponible au www.mcgill.ca/cdo, à la section « Alumni ».

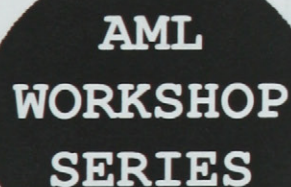
I write to underline the significance of the graduation survey for the Faculty. The sole purpose of the survey is to assist us in improving the quality and scope of the services provided by the Faculty's Career Development Office. We need to know whether you have been successful in finding the type of employment that you were seeking. We need a better overall picture of recruitment practices and outcomes, in order to assess and better address the hurdles that you may be facing, including discrimination. We need to determine the range of jurisdictions that need to be covered by the

CDO, in light of the geographical distribution of our graduates. We need more than anecdotal evidence, or the limited information we get from certain employment sectors. We need these statistics to back up our sense that, as a group, you are doing very well in obtaining gainful employment that makes effective use of the legal education you are about to complete.

Dans d'autres facultés de droit au Canada, la participation à un sondage de ce type est obligatoire. Nous avons choisi de ne pas l'imposer par des moyens coercitifs à McGill, comptant sur votre responsabilité collective de participer aux succès de tous par ce moyen. I am counting on you to take this seriously and to consider the immediate benefits that better information would bring to your peers in the cohorts behind yours. If you care about your Faculty, about its long term success, and about its ability to provide appropriate career guidance and support to its students and recent alumni, I urge you to fill out this graduation survey.

Daniel Jutras

Dean and Wainwright Chair in Civil Law | Doyen et Titulaire de la Chaire Wainwright en droit civil


**AML
WORKSHOP
SERIES**

THE AML WORKSHOP SERIES HOSTS DR. DOLORES CHEW

The Annie MacDonald Langstaff (AML) Workshop Series provides a forum for academics, activists, judges, and lawyers to present scholarship and critical insights on issues that relate to women and the law. The series was inaugurated in 1988 in honour of Annie MacDonald Langstaff, the first woman to earn a law degree in Quebec. She was also the first woman graduate of McGill's professional schools, earning a BCL with first-class honours in 1914. The Faculty of Law hosts these workshops, which take place throughout the semester. They are open to faculty, students, and members of the public.

The AML Workshop Series is honoured to host Dr. Dolores Chew in the next workshop: Activism and Scholarship: Two Sides of the Feminist Coin. Dr. Dolores Chew is the President of the South Asian Women's Community Centre and a Professor and Research Associate at Marianopolis College and the Simone de Beauvoir Institute at Concordia University. This workshop is co-hosted by l'Association des femmes de couleur, the Feminist Collective at McGill Law, Radical Law Community (RADLAW), et les Femmes de Droit Pénal à l'Université de McGill.

Dr. Chew will be presenting on Wednesday, October 9, 2013, from 12:30pm-1:45pm, in room 202 NCDH.

**SVETLANA
KOCHKINA**

LAW LIBRARY NEWS

No "Register later" button in QL

You will not see Quicklaw's familiar "Register later" button anymore. From now on, the registration screen is automatically bypassed for the McGill campus-wide access.

"Seeds" at the Centaur Theater: Legal Case Made into Play

Based on interviews and court trial transcripts from *Monsanto Canada Inc. v. Schmeiser*, 2004 SCC 34, [2004] 1 SCR 902 <http://canlii.ca/t/1h3pt>, the play brings us into a maze of patent wars, opinionated scientists and clashes between farmers and the biotechnology industry.

When Schmeiser famously asked the question, "who owns life?" before the Supreme Court of Canada, his words galvanized the anti-GMO movement around the world. You can see it from October 29 to November 24, 2013. <http://www.centaurtheatre.com/seeds.php>

REMINDER: 24h access

This is to remind you that 24h access to the Law Library begins on the week of October the 6th. You can see our full schedule for the Fall 2013 term here:

<http://www.mcgill.ca/library/branches/law>

Do not forget your McGill ID card if you plan to study in the library after 7:00 p.m.!

REMINDER: Thieves in the Library

This is to remind you that the Nahum Gelber Law Library is a PUBLIC place where anybody can come during the daytime. Please do not leave if your possessions (purses, bags, laptops, cellphones) unattended if they are precious to you - they might appear tempting to somebody else.

New database: ICLR Online

The Law Library is happy to offer to our users an access to a newly purchased UK caselaw database, ICLR Online.

The Incorporated Council of Law Reporting for England and Wales was established in 1865 by members of the legal profession with the object of "preparation and publication, in a convenient form, at a moderate price, and under gratuitous professional control, of Reports of Judicial Decisions of the Superior and Appellate Courts in England and Wales" (Memorandum and Articles of Association, 1870).

As well as the official Law Reports, ICLR publishes the Weekly Law Reports, the Industrial Cases Reports, the Business Law Reports, the Public and Third Sector Law Reports and the Statutes and Public and General Acts. In October 2011 ICLR launched an online database. ICLR Online is the hub of legal authorities dating back to 1865. A dedicated case law platform presents the cases in a comprehensive and readable format. The law reports are combined with the Citator+ to present all the relevant case information in one screen, making legal research easier than ever, and ICLR judgments are triple checked for accuracy and presented with absolute clarity.

ICLR online can be accessed at Subject guides / Law / Legislation and cases- foreign jurisdictions

REMINDER: Law Library is online

Do not forget to check Nahum Gelber Law Library's blog and Facebook page where you can find more of the Law Library news:

<http://www.facebook.com/NahumGelberLaw.Library>
<http://blogs.library.mcgill.ca/lawlibrary/>

MLJ
RDM

JUSTICE AND DISTRIBUTION OF EQUAL OPPORTUNITY

La Revue de droit de McGill a l'honneur de recevoir le Juge Goodwin Liu de la Cour Suprême de Californie dans le cadre de sa conférence annuelle. The Annual Lecture will be held in the Moot Court on Wednesday, October 16 at 6 pm. A reception will follow the talk.

The Annual Lecture is a tradition at McGill's Faculty of Law. Past speakers have included Chief Justice of the Supreme Court of Canada Beverley McLachlin, Justice of the Supreme Court Rosalie Abella, and President of the International Criminal Court Philip Kirsch.

This year, the McGill Law Journal is pleased to welcome Justice Goodwin Liu. Justice Liu is a graduate of Yale Law School, Stanford, and Oxford. His primary areas of expertise are constitutional law, education law and policy, and the Supreme Court of

the United States. In 2010, Justice Liu was nominated by President Obama to the U.S. Ninth Circuit Court of Appeals prior to being nominated and approved to serve on the California Supreme Court.

Justice Liu's theme will be "Justice and Distribution of Equal Opportunity" and will tackle the premise of "equality of educational opportunities" that is often articulated by politicians and policy-makers. What does this concept mean? What are its limitations? The talk will specifically examine John Rawls's principle of fair equality of opportunity and the kinds of inequalities that it does and does not address.

For more information, visit our website lawjournal.mcgill.ca or email us at journal.law@mcgill.ca.

Law I

KIRSTEN
MORRY

ASK A JUDGEMENTAL STRANGER

If you'd like to have your question answered in this space, email quid.law@mcgill.ca, or just chat with me directly! Silly and serious questions alike are welcome.

Q: I'm scared to speak up in class! What should I do?

A: This is a common fear! You hear a question, you know the answer, you almost put your hand up...and yet, malignant thoughts linger: "Is that actually what they're looking for? Is this a dumb interpretation?" Let me just say, your answer is almost certainly adequate. Your ideas are probably worth sharing. Don't be nervous.

First of all, you are just as much of a special little snowflake as anyone else in your class. And secondly, there is just so little to lose by speaking up. I mean, honestly, spoken words have the power to convince others and while they may be remembered, they are still utterly ephemeral and transient. None of us are protagonists in a novel; no omniscient narrator is transcribing everything we say. So take a chance and have your voice heard.

Q: Where can I go to do my reading that a) has windows and b) is somewhere where I'm allowed to eat?

A: On the second floor outside the classrooms there are some desks right by the windows which are a fairly nice place to pre-

pare for afternoon class and stare at the golden afternoon. There's also the mezzanine in the atrium complete with sofas and computers if you don't feel like lugging your laptop to school. Don't forget it's only October. Going outside is still an option too! The mountain trail is very close to the faculty. And if you need to buy food, Thomson House is an ideal sanctuary.

Q: Why do people in Montreal line up civilly for the bus but push to get on the metro?

A: Hmmm, I have noticed this too! I found a WikiHow article named "How to Use the Metro in Montreal" in which the author remarks, "Some people wait for the next train, but it will probably be equally full, so just cram yourself in, or take another form of transportation." Since this source is probably extremely reliable and influential, I assume hundreds of thousands of people in this city are working under that assumption and crowding in. But then again, this doesn't explain why the bus lineups are so very polite. I think it's probably just a question of density. Apparently 1,403,700 people travel by bus each day, and 1,111,700 by Metro. The Metro has 68 stations in total, and while the city doesn't readily provide a precise number of bus stops, do the math. If there are 186 bus routes and each has at least 4 stops, it isn't hard to see that any single bus stop will see far less traffic in the course of a day than a given Metro station.

ELLIOT
AGLIONI

JUDGES AS POETS

Found poems culled from judicial decisions—every word appears in the respective judgment.

Ticket to Rockaway Beach

Cardozo C.J.; 162 NE 99 (NY C.A. 1928)

A package bound and covered
Innocent and harmless to the eye
Of ordinary vigilance
In a maze of contradictions

Law stumbles upon the scales
The potency of peril in the air concealed
Beneath waste trod on with impunity
Diversity casts a bomb

Human nature wrapped in newspaper
Spread wreckage through the station
The master is a plant of later growth
Out of legal soil, rooted in a wrong



The Weighing Machine

Andrews J (dissenting); 162 NE 99 (NY C.A. 1928)

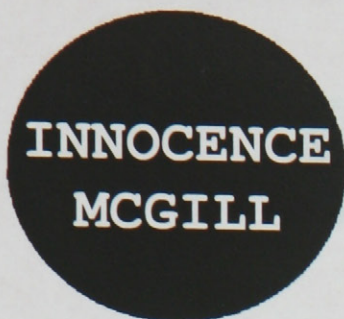
Cut by the force of the wind
A nursemaid drops the bundle from her arms
Sparks set on fire a violent mind
The servant threatens safety
Should he wander beyond the road
A certain point in an empty world

I confine myself to merely reckless conduct
Neither insanity nor infancy drive down Broadway
Miss injury by an inch
Behind the cloud of words
The world at large, the danger zone
Original and primary

We build a dam
Breaking the stream
Unusual unexpected unforeseen
A boy throws a stone into a pond
The ripples spread
Altered to all eternity
The ocean comes from a hundred sources
Distinction is lost

A murder at Sarajevo may burn all Chicago
This is not logic
There are no rules in time and space
Simply matters of account—uncertain and wavering
Catastrophe kindled by convenience
Flying fragments, broken glass
Wreckage of machines
Structures no one could say


*Do you know of any judgments that are really poems in disguise?
Submit suggestions to quid.law@mcgill.ca*



INNOCENCE MCGILL CALL FOR APPLICATIONS

Innocence McGill, une clinique juridique à but non lucratif qui est vouée à la recherche et à l'investigation d'affirmations de condamnation par erreur au Québec, cherche des nouvelles membres. Ils/elles devront être fiable, engagés pour la justice sociale, prêtent à travailler 3 heures par semaine sur IM, disponible pour les réunions obligatoires un mercredi par mois (habituellement de 12h30 - 13h30), prêtent à travailler sur notre conférence en hiver 2014, et qui ont un intérêt dans le droit pénal. Certains candidat(e)s seront contacté(e)s pour une entrevue, qui aura lieu le jeudi 17 Octobre et vendredi 18 Octobre entre 14h-16h. Si IM vous intéresse, vous devez envoyer votre CV, une déclaration d'intérêt qui est maximum deux paragraphes, et les temps qui marchent pour votre entrevue (entre 14h-16h, 17 et 18 Octobre) à innocence.law@mail.mcgill.ca par 17h le Vendredi 11 octobre. Si vous êtes choisi pour une entrevue, nous allons vous écrire par courriel le mercredi 16 Octobre. Des questions? N'hésitez pas à consulter notre site web www.mcgill.ca/innocence ou nous contacter à innocence.law@mail.mcgill.ca

Innocence McGill, a student led clinic devoted to investigating claims of wrongful conviction in Quebec, is looking for new members. They should be reliable, bilingual, committed to social justice, willing to spend 3 hours per week on IM files, be available to attend mandatory monthly meetings (typically from 12:30-1:30 on Wednesdays), be willing to help plan our winter 2014 conference, and preferably have shown a demonstrated interest in criminal law. Select candidates will be invited to an interview, which will be held on Thursday and Friday October 17th and 18th between 2 - 4 pm. If interested, please send your CV, a maximum two paragraph statement of interest, and your preferred interview time (between 2-4 pm on October 17 or 18) to innocence.law@mail.mcgill.ca by 5 pm on Friday October 11. Interview confirmations will be sent by email on Wednesday October 16. Questions? Please check out our website at www.mcgill.ca/innocence or feel free to contact us at innocence.law@mail.mcgill.ca

Innocence  **McGill**

OVERHEARD AT THE FAC

Prof. Adamski: We all have our bad habits--for Canadian men it's bad dressing; for Canadian lawyers it's a constitutional law fetish.

2L: Wow, the overheards of the last Quid edition suck...

4L: WHY DID CHARLIE FELDMAN LEAVE US???

2L: ?

4L: UNLIKE THAT GUY IN BEYONCE'S MUSIC VIDEO HE IS (starts singing) ****IRREPLACEABLE!!****

2L: ??

[Editor's note : We can start making up overheards if you really want ! ;)]

A 1L, overheard before Contracts starts, as Professor Gélinas walks into the Moot Court: "God I wish I could dress like him."

Lower campus: "If I was going to put a curse on someone, I would make this person smell like a fart... all day long"

Professor Provost: The US is famously one of two countries that has not ratified the UN Convention on the Rights of a Child. The other country is Somalia. So one has no government, and the other has no functioning government.

Got overheards ?

quid.law@mcgill.ca



BLG VOUS SOUHAITE UNE SESSION EXCEPTIONNELLE!

**NOUS NE SOMMES PAS SEULEMENT
À LA RECHERCHE D'AVOCATS
EXCEPTIONNELS, MAIS SURTOUT
D'ÊTRES D'EXCEPTION.**

Pour consulter les fiches biographiques de nos
avocats et voir si BLG répond à vos aspirations,
visitez le site blg.com/etudiants.

Calgary | Montréal | Ottawa
Toronto | Vancouver | Région de Waterloo

Avocats | Agents de brevets et de marques de commerce
Borden Ladner Gervais S.E.N.C.R.L., S.R.L.
est une société à responsabilité limitée de l'Ontario.

blg.com

BLG
Borden Ladner Gervais

190
MONTREAL
DEPUIS
EST. 1823